

1 CRAIG L. JUDSON - 114926
2 SHARON M. NAGLE - 179124
3 Bold, Polisner, Maddow, Nelson & Judson
A Professional Corporation
4 2125 Oak Grove Road, Suite 210
Walnut Creek, CA 94598
5 (925) 933-7777 – Telephone
(925) 933-7804 – Fax
Email: snagle@bpmnj.com

6 Attorneys for Defendants
7 Superior Court of California, County of Lake;
8 the Honorable Andrew S. Blum, Presiding Judge
9 of the Superior Court of California, County of Lake;
0 the Honorable Michael S. Lunas, Judge of the
Superior Court of California, County of Lake;
the Honorable Arnold D. Rosenfield, Judge of the
Superior Court of California, County of Lake (Ret.)
1 (erroneously sued as Judge Arnold M. Rosenfield)

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

15 MICHAEL D. NILSEN,) Case No. CV-17-4175-WHA
16 Plaintiff,)
17 vs.) NOTICE OF MOTION TO DISMISS
18 JUDGE ANDREW S. BLUM, et al.) Date: October 5, 2017
19 Defendants.) Time: 8:00 am
20 Courtroom: 8

21 TO PLAINTIFF AND HIS ATTORNEYS OF RECORD:

22 PLEASE TAKE NOTICE that on October 8, 2017, in Courtroom 8, of the United
23 States District Court, Northern District of California, 450 Golden Gate Avenue, Courtroom 8,
24 San Francisco, California, defendants Superior Court of California, County of Lake
25 ("Superior Court"); the Honorable Andrew S. Blum, Presiding Judge of the Superior Court;
26 the Honorable Michael S. Lunas, Judge of the Superior Court; and the Honorable Arnold D.

1 Rosenfield, Judge of the Superior Court (Ret.) (erroneously sued as Judge Arnold M.
2 Rosenfield) (hereinafter collectively referred to as “the Judicial Defendants.”) will, and hereby
3 do, move this Court pursuant to Federal Rule of Civil Procedure 12(b)(1) and 12(b)(6) for an
4 order dismissing Plaintiff’s complaint against them.

The Judicial Defendants move to dismiss Plaintiff's claims because Plaintiff does not have subject matter jurisdiction to bring this Complaint in this Court. The Eleventh Amendment bars suits against the arms of the state and the *Younger* Doctrine requires dismissal of a federal complaint if the state proceedings are ongoing. Further, under the *Rooker-Feldman* doctrine, this Court has no authority to review final determinations of a state court in judicial proceedings.

Plaintiff's complaint must also be dismissed because Plaintiff has not set forth any claim from which relief could be granted against the Judicial Defendants. The action is barred by the doctrine of judicial immunity, and Plaintiff failed to allege compliance with the California Government Claims Act.

16 For each of these reasons, the Judicial Defendants respectfully request that the
17 Court grant this Motion and dismiss Plaintiff's complaint against them without leave to
18 amend. This Motion is based on this Notice, the attached Memorandum of Points and
19 Authorities, the accompanying Request for Judicial Notice, all pleadings, files and records
20 in this action, and on such other argument as may be received by the Court at the hearing of
21 this Motion.

PAGE: August 14, 2017 BOLD POLISNER MARDOV NELSON & JUDSON

By: /s/ Sharon M. Nagle
SHARON M. NAGLE